

## Introduced by Senator Oller

February 10, 2004

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An act to amend Section 30512 of the Public Resources Code, relating to the California Coastal Commission.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1198, as introduced, Oller. California Coastal Commission.

The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined. The California Coastal Commission administers the act. Existing law requires a land use plan of a proposed local coastal program to be submitted to the commission.

This bill would make technical, nonsubstantive changes to that provision requiring a land use plan of a proposed coastal program to be submitted to the commission.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 30512 of the Public Resources Code is  
2 amended to read:  
3 30512. (a) The land use plan of a proposed local coastal  
4 program shall be submitted to the commission. The commission  
5 shall, within 90 days after the submittal, after public hearing, either  
6 certify or refuse certification *of the land use plan*, in whole or in  
7 part, ~~the land use plan~~ pursuant to the following procedure:  
8 (1) No later than 60 days after a land use plan has been  
9 submitted to it, the commission shall, after public hearing and by



majority vote of those present, determine whether the land use plan, or a portion thereof applicable to an identifiable geographic area, raises no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200).

If the commission determines that no substantial issue is raised, the land use plan, or portion thereof applicable to an identifiable area, which raises no substantial issue, shall be deemed certified as submitted. The commission shall adopt findings to support its action.

(2) Where the commission determines pursuant to paragraph (1) that one or more portions of a land use plan applicable to one or more identifiable geographic areas raise no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200), the remainder of that land use plan applicable to other identifiable geographic areas shall be deemed to raise one or more substantial issues as to conformity with the policies of Chapter 3 (commencing with Section 30200). The commission shall identify each ~~such~~ substantial issue for each ~~such~~ geographic area.

(3) The commission shall hold at least one public hearing on the matter or matters which have been identified as substantial issues pursuant to paragraph (2). No later than 90 days after the submittal of the land use plan, the commission shall determine whether or not to certify the land use plan, in whole or in part. If the commission fails to act within the required 90-day period, the land use plan, or portion thereof, shall be deemed certified by the commission.

(b) If the commission determines not to certify a land use plan, in whole or in part, the commission shall provide a written explanation and may suggest modifications, which, if adopted and transmitted to the commission by the local government, shall cause the land use plan to be deemed certified upon confirmation of the executive director. The local government may elect to meet the commission's refusal of certification in a manner other than as suggested by the commission and may then resubmit its revised land use plan to the commission. If a local government requests that the commission not recommend or suggest modifications which, if made, will result in certification, the commission shall refuse certification with the required findings.



1 (c) The commission shall certify a land use plan, or any  
2 amendments thereto, if it finds that a land use plan meets the  
3 requirements of, and is in conformity with, the policies of Chapter  
4 3 (commencing with Section 30200). Except as provided in  
5 paragraph (1) of subdivision (a), a decision to certify shall require  
6 a majority vote of the appointed membership of the commission.

7 (d) This section shall become inoperative and shall have no  
8 force or effect on the date, if any, of a final judicial decision that  
9 its provisions are inconsistent with the requirements of the federal  
10 coastal act. On and after that date, any reference to this section  
11 shall be deemed to be reference to Section 30512.1.

